

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Nebraska Public Service Commission Petition
For Delegation of Additional Authority To
Implement Area Code Conservation Methods
In the 402 Area Code

NSD File No. L-99-83

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

CC Docket No. 96-98

COMMENTS OF SBC COMMUNICATIONS INC.

As it has with respect to other state petitions, SBC Communications Inc., on its behalf and on behalf of its subsidiaries, (collectively referenced as "SBC") urges the Commission to deny interim authority to the Nebraska Public Service Commission (NPSC) to implement area code conservation measures in advance of a national policy on number resource optimization. Specifically, the NPSC seeks a waiver of the Commission's rules in order to initiate the following measures: (1) require number pooling in thousand-blocks; (2) reclaim unused and reserved central office codes or portions thereof currently assigned;¹ (3) audit number assignment; and (4) institute "any other measure and to use any other authority granted by the FCC to the states to address the pressing problem of number exhaust and depletion."

SBC is not unmindful of the situations faced by state commissions, like the NPSC, in relation to area code exhaust. However, in granting previous petitions for relief filed by certain state commissions, the Commission has virtually opened a Pandora's box, allowing states to implement costly policies which may or may not bear any resemblance to the national program

¹ With respect to this aspect of the NPSC request, the North American Numbering Plan Administrator (NANPA) already has this authority and SBC would encourage the NPSC to work with the NANPA to accomplish reclamation in accordance with industry guidelines.

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Comments of SBC Communications Inc.
NSD File No. L-99-83, CC Docket No. 96-98
December 3, 1999

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being developed by the Commission. Carriers are being required to expend significant resources in response to state policies which are likely to be superseded. Moreover, carriers subjected to conflicting state commission demands are logistically unable to comply with multiple dictates. Simply referencing required number pooling as a "trial" does not make it so; rather, number pooling trials are the advance deployment of pooling without the benefit of NPAC 3.0 and Efficient Data Representation. For the Commission to continue granting state petitions will only serve to undercut the implementation of the eventual national program, without having any discernable immediate impact on the problem at hand. The detrimental effect on carriers clearly outweighs the limited, and in some cases nonexistent, benefit to be derived from state action. The piecemeal implementation of numbering measures encouraged by the granting of individual petitions is the very outcome which has been rejected by the Commission in CC Docket No. 99-200.

The answer to this dilemma is the expeditious release of a national program by the Commission. If the Commission believes it is compelled to grant state commissions some type of authority to adopt interim number optimization measures, it must require states to define in detail those measures which they intend to implement. The granting of broad authority without any demonstration that proposed action will be effective is unjustifiable. To avoid any conflict with the eventual federal policy, the Commission should undertake an independent review of the state's proposal and determine that the proposal will not impair the implementation of the national program. Inherent in this review should be the consideration of whether carriers have the available resources to meet the state commission's demands in light of the mandates imposed by other state commissions. This review should be a pre-condition of the granting of the NPSC petition and any additional state petitions.

The measures to be employed by the state must also be determined in advance to be consistent with the eventual national policy. State commissions must be given specific guidance by the Commission as to when measures such as number pooling are to be utilized and must adopt a cost recovery mechanism in advance of any required deployment. The Commission

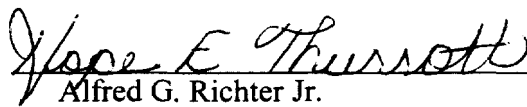
needs to stress that the granting of this authority is conditioned upon the states' adoption of the precepts set by the Industry Numbering Committee. It must also require the state commission to establish an NPA relief back-up plan.

CONCLUSION

SBC continues to request the Commission quickly adopt a policy which sets national standards for the conservation of numbering resources. The piecemeal approach which has resulted from the granting of individual state petitions has served to undercut the Commission's espoused objective of a comprehensive, effective solution to area code exhaust. Yet, while such state measures are of only limited benefit, the drain on the industry's resources has been significant with no defined method for cost recovery. To compound this problem through the granting of additional state petitions would be counter to the Commission's overall goal. For this reason, SBC encourages the Commission to deny the NPSC's request and all future state commissions' requests for authority to implement interim number conservation measures.

Respectfully submitted,

SBC Communications Inc.

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December 3, 1999

CERTIFICATE OF SERVICE

On this 3rd day of December 1999, I, Katie Turner, hereby certify that the Comments of SBC Communications Inc. in CC Docket No. 96-98, NSD File No. L-99-83 have been served upon the parties listed in the Service List attached to the Comments of SBC Communications Inc.

/s/ Katie Turner

December 3, 1999

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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Indiana Utility Regulatory Commission's
Petition for Additional Delegated
Authority to Implement Number
Conservation Measures

NSD File No. L-99-82

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

CC Docket No. 96-98

COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc., on its behalf and on behalf of its subsidiaries, (collectively referenced as "SBC"), continues to encourage the Commission to deny granting of interim authority to the Indiana Utility Regulatory Commission (Indiana URC) and other state commissions in advance of the Commission's adoption of a national number conservation policy. In its Petition, the Indiana URC seeks the following authority from the Commission: (1) to enforce new and current standards for number allocation and other unspecified aspects concerning number conservation; (2) to order efficient number use practices; (3) to order the return of unused and reserved NXX codes and, if number pooling is implemented, the return of thousand number blocks; (4) to order the submission of number utilization and forecasting reports and audit such reporting; (5) to order unassigned number porting; (6) to order additional rationing measures; and (7) to implement mandatory thousand block pooling. While SBC believes the Indiana URC already has the authority to order utilization and forecasting reports,¹ with respect to the remaining aspects of the Indiana URC's request, SBC believes that the

¹ Utilization reporting should use the Industry Numbering Committee (INC) recommended categories and definitions without deviation. Differing state requirements only serve to burden an industry striving to meet multiple reporting requirements.

granting of this further authority will detrimentally effect the eventual implementation of the national policy advocated by the Commission.²

As SBC has previously demonstrated to the Commission in relation to other state petitions, the continued practice of granting state commissions interim authority to adopt number conservation measures, which will subsequently be superseded by a federal mechanism, places an unwarranted strain on carrier resources. Carriers subjected to conflicting state commission demands are simply unable to comply with these multiple dictates. This outcome is particularly clear in relation to "trials" related to number pooling. The characterization of such measures as "trials" misstates the long-term and significant impact of such measures. These actions are more accurately described as the advance deployment of number pooling without the benefit of NPAC 3.0 and Efficient Data Representation (EDR). The Commission's apparent stance that no real harm can be done because state actions will be superseded by the national policy fails to recognize the realities involved in the implementation of these "interim" practices. Moreover, any perceived benefit must also be weighed against the likelihood that these "trials" will not be fully implemented until after the release of the Commission's national policy. Encouraging action by state commissions through the granting of authority will do little more than facilitate the drain on carrier resources.

SBC is sympathetic to the plight of the Indiana URC and other state commissions, but the answer to this predicament is the expeditious release of a national policy, not the piecemeal adoption of state practices. If the Commission believes itself compelled to grant individual state commissions the authority to adopt interim number optimization measures, it must require the states to define in detail that which it intends to implement. Moreover, to avoid undercutting its eventual federal policy, the Commission must be assured, based on an independent review, that proposed state trials will not severely impair the deployment of the national pooling solution.

² With respect to the Indiana URC's request for the authority to order the return of unused numbers, the North American Numbering Plan Administrator (NANPA) already has this authority. SBC therefore, encourages the Indiana URC to work with the NANPA to accomplish reclamation in accordance with industry guidelines.

This review should be a pre-condition to the granting of the Indiana URC Petition and any additional state petitions. Inherent in this review should be evidence that the measures proposed will not subject carriers to conflicting and burdensome regulation by multiple state commissions.

In addition, state commissions must be given specific guidance by the Commission as to when number pooling should be utilized and the cost recovery mechanism which must be in place prior to the implementation of number pooling.³ The Commission also needs to emphasize that the precepts of the Industry Numbering Committee (INC) are to be followed and that an adopted NPA relief plan is a prerequisite to number pooling.

As a final note, SBC again urges the Commission to continue its rejection of unassigned number porting (UNP). As the Commission noted in its Order relating to the Maine Public Utilities Commission Petition for Additional Delegated Authority,⁴ UNP is currently in too early a stage of development to order its implementation without significant risk. In its previous pleadings, SBC has repeatedly presented to the Commission the significant disadvantages posed by this measure.⁵ UNP would result in conflicts between carriers relating to the numbers available for reassignment and in difficulties with coordinating UNP with existing number portability guidelines. Its adoption would also adversely impact the underlying architectures supporting number portability through increased capacity demands. Moreover, UNP would have a negative impact on carriers' abilities to keep thousand blocks from further contamination in implementation in states which implement interim number pooling. Further, multiple carriers

³ SBC urges the FCC to reconsider its decision to delegate the cost recovery mechanism of pooling trials to the states and instead classify them as interstate. The FCC has already acknowledged that it plans to supercede these trials once it issues its national number pooling order. Therefore, the FCC should not burden the states with intrastate cost recovery issues and should the costs for such trials recoverable under the national number pooling order.

⁴ Order, *In the Matter of the Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, NSD File No. L-99-27, released September 28, 1999, at ¶¶ 24-25.

⁵ For example, see SBC's Comments filed July 30, 1999, and its Reply Comments filed August 30, 1999, in the *Matter of Number Resource Optimization*, CC Docket No. 99-200. Also, SBC's Comments filed October 5, 1999, in the *Matter of the New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*.


would be placed in the role of number administrators. There is no benefit to be derived by UNP; UNP is *not* a number conservation measure.

CONCLUSION

SBC again urges the Commission to expeditiously release its national program and to deny further requests by state commissions for interim authority. The Commission's granting of these Petitions will undercut the implementation of the national policy, while subjecting carriers to a significant drain on their limited resources. If on the basis of an analysis as to the impact of granting the Indiana URC Petition, the Commission is persuaded to permit restricted relief, it must provide the Indiana URC clear and unequivocal guidelines related to number pooling and cost recovery.

Respectfully submitted,

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